

Application Serial No. 10/509,640
Reply to Office Action of March 7, 2006

PATENT
Docket No. CU-3923

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REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-8 were pending before the present amendment (as the Amendment After Final filed May 30, 2006 was not entered in the Advisory Action of June 14, 2006). By the present amendment, claims 1-2 and 7-8 are cancelled without prejudice; and claims 3 and 6 are amended. No new matter has been added.

REGARDING THE DOUBLE PATENTING OBJECTION UNDER 37 CFR 1.75:

In the final office action dated March 7, 2006, Applicant has been advised that should claim 2 be found allowable, claim 6 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof as a Double Patenting objection.

Applicant respectfully overcomes the Examiner's Double Patenting objection by deleting claim 2 without prejudice. Further, claim 6 has been amended to depend from claim 3. Withdrawal of the objection is respectfully requested.

REGARDING THE CLAIM REJECTIONS UNDER 35 USC §112:

In the final office action of March 7, 2006, claims 1-8 stand rejected under 35 U.S.C. §112, ¶2, as being indefinite. The examiner indicated that it is not clear in claims 1 and 3 how the "screw pipe is 'then inserted' into the bottle if the bottle is already formed between the framework and the screw pipe and only the frameworks (2)(3) is separated."

As to claim 1, this claim has been cancelled without prejudice and all issues relating to rejection of this claim have therefore been rendered moot. Withdrawal of the

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rejection is respectfully requested.

As to claim 3, all appropriate corrections have been made to overcome the rejection. In claim 3, the phrase "and then inserting the screw pipe (14) into" has been corrected into:

—separating the funnel shaped plaster frameworks ~~(5) (2)(3)~~ from the ~~funnel-shaped~~ plaster frameworks ~~(2) (3) (5)~~ and then maintaining ~~inserting~~ the screw pipe (14) into to be combined with the entrance (6) of the ceramic bottle (1)—.

Withdrawal of the rejection is therefore respectfully requested.

REGARDING THE CLAIM REJECTIONS UNDER 35 USC §103:

Claims 3-5

The applicant's amendments to the claims are supported from the detailed description and drawings (see FIGS. 7-9 and relevant descriptions thereof in the specification).

Claim 3 has been amended so that it reads that a plasticity process is undergone at the state where the screw pipe has been combined with the entrance of the ceramic bottle, and that the screw pipe is incinerated during plastering, to thereby form a screw projection which is engaged with a plastic cork with a screw portion such as threads on the inner side of the entrance of the ceramic bottle.

The examiner points out in the Advisory Action of June 14, 2006 that the application is not placed in condition for allowance because of the reasons set forth in the final rejection and the advisory action stating the "Suggestion of a providing a body removable during baking to provide a ceramic shape with grooves (treads) is suggested by Schleicher and combining the body with the frameworks such that it is held in

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position with respect to the plaster frameworks for slip casting would have been obvious to one of ordinary skill in the art."

Applicant respectfully traverses that Schleicher does not teach that the funnel-shaped plaster framework (5) is separated from the plaster frameworks (2)(3) while maintaining the screw pipe (14) to be combined with the entrance (6) of the ceramic bottle (1); and that a plasticity process is undergone at the state where the screw pipe (14) has been combined with the entrance (6) of the ceramic bottle (1), and that the screw pipe (14) is incinerated during plastering, to thereby form a screw projection (11) which is engaged with a plastic cork with a screw portion such as threads on the inner side of the entrance of the ceramic bottle (1) (see FIGS. 4-8).

Thus, applicant respectfully requests that the claims to be taken into reconsideration.

In the final office action of March 7, 2006, claims 3-5 stand rejected under 35 USC §103(a) as being unpatentable over Wagner in view of Hwang as applied to claim 1, and further in view of the admitted prior art (APA) and U.S. Patent No. 2,303,303 (Schleicher).

While the examiner alleges (see Office Action, Page 4, Para. 6) that the admitted prior art allegedly teaches that a ceramic bottle is made by assembling a funnel-shaped plaster framework with a plaster framework; filling the inner side of the plaster framework with slip to form a bottle of specific thickness by slip casting; removing the plaster frameworks; and performing plasticity processing for the ceramic bottle, and that Schleicher allegedly teaches that to provide a ceramic shape with internal groove, a core form body is formed to which the ceramic is slip cast and the

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core form body is removed by heating during the baking or firing of the ceramic, it would have been obvious to one of ordinary skill in the art to have made the ceramic bottle using a funnel-shaped plaster framework with a plaster frame work, as taught by the admitted prior art, as the method used to slip cast a ceramic bottle. The Examiner has alleged that combining a core form body with the funnel-shaped framework to form the internal threads of the bottle and removing the core form body during the plasticity processing would have been obvious to one of ordinary skill in the art, as Schleicher allegedly teaches that a core form body which is removed during the firing of the ceramic is used to form a ceramic shape having internal grooves. Finally, the Examiner has concluded that it would have been obvious to one of ordinary skill in the art to have removed the frame works while leaving the core form body attached to the ceramic bottle during plasticity processing so as not deform the internal threads to be formed on the ceramic bottle.

This rejection of claims 3, 4 and 5 fails to meet the criteria of the Office for a *prima facie* showing of obviousness under 35 U.S.C. §103(a). According to MPEP 706.02(j), the criteria for establishing a *prima facie* case of obviousness under 35 U.S.C. §103 mandates that:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

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Applicant respectfully asserts that none of these criteria has been met.

That is, although the presently claimed invention discloses "combining a screw pipe (14) with a combining medium formed at the lower part of a main entrance (4) of a funnel-shaped plaster framework (5)," there are no suggestion or motivation, for such teachings of "combination of a screw pipe (14) with a combining medium," either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

In addition, although the presently claimed invention discloses "separating the plaster frameworks (2)(3) from the funnel-shaped plaster framework (5) while maintaining the screw pipe (14) to be combined with the entrance (6) of the ceramic bottle (1)," there are no suggestion or motivation, for such teachings of "separating the plaster frameworks (2)(3) from the funnel-shaped plaster framework (5) while maintaining the screw pipe (14) to be combined with the entrance (6) of the ceramic bottle (1)," either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Thus, the first criterion has not only been met, but also the second and third criteria have not been met since the teaching or suggestion to make the claimed combination and the reasonable expectation of success are not both found in the prior art and not based on applicant's disclosure.

REGARDING THE EXAMINER'S "RESPONSE TO ARGUMENTS"

In the final office action dated March 7, 2006 (pages 6-7), the Examiner maintains the position that it would have been obvious to one of ordinary skill in the art

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to have made the ceramic bottle using a funnel-shaped plaster framework with a plaster framework, as this is taught by the admitted prior art as used to slip cast a ceramic bottle. Combining a core form body with the funnel-shaped framework to form the internal threads of the bottle and removing the core form body during the plasticity processing (firing) would have been obvious to one of ordinary skill in the art, as Schleicher allegedly teaches that a core form body which is removed during the firing of the ceramic is used to form a ceramic shape having internal grooves. It would have been obvious to one of ordinary skill in the art to remove the framework while leaving the core form body attached to the ceramic bottle during plasticity processing so as to not deform the internal threads to be formed on the ceramic bottle during the firing process.

However, the presently claimed invention uses a combining medium formed at the lower part of a main entrance (4) of a funnel-shaped plaster framework (5) so as to be combined with a screw pipe (14), but the Examiner's cited references independently or in combination, do not teach such a combining medium implicitly or explicitly. Accordingly, the presently claimed invention enables the screw pipe (14) to be combined with the entrance (6) of the ceramic bottle (1), to then form a screw projection (11) on the inner side of the entrance (6) of the ceramic bottle (1). One of ordinary skill in the art has the difficulties of creating the combining medium to be easily combined with or separated from the screw pipe, without any motivation.

Thus, at least for the same reason, claim 3 is allowable, so are all claims that depend therefrom.

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Claims 1-2 and 6-8

In the final office action of March 7, 2006, claims 1 and 7-8 stand rejected under 35 USC §103 (a) as being unpatentable over U.S. Patent No. 5,947,310 (Wagner) in view of U.S. Patent No. 6,539,618 (Hwang). Claims 1 and 7-8 stand rejected again under 35 USC §103 (a) as being unpatentable over DE 42 36 245 Abstract in view of Hwang and DE 297 03 338 Abstract. Claims 2 and 6 stand rejected under 35 USC § 103 (a) as being unpatentable over DE 42 36 245 Abstract in view of Hwang and DE 297 03 338 Abstract as applied to claim 1, and further in view of JP 61-60456.

In response, claims 1-2 and 7-8 have been cancelled without prejudice, and withdrawal of the rejections is respectfully requested. Claim 6 has been amended to depend from claim 3, and it is respectfully submitted that claim 6 is considered allowable at least since claim 6 depends from claim 3, which is considered to be in condition for allowance over the cited references for the reasons above.

SUMMARY

For the reasons set forth above, the applicant respectfully submits that claims 3-6, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and earnestly solicits an indication of allowable subject matter. This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the

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examiner is encouraged to contact the undersigned attorney by telephone to
expeditiously resolve such concerns.

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Respectfully submitted,



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